

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

CARLOS MORENO RODRIGUEZ,
Appellant.

No. 2 CA-CR 2018-0097
Filed October 19, 2018

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.19(e).

Appeal from the Superior Court in Cochise County
No. S0200CR201700702
The Honorable James L. Conlogue, Judge

AFFIRMED

COUNSEL

Janelle A. Mc Eachern, Chandler
Counsel for Appellant

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MEMORANDUM DECISION

Judge Eppich authored the decision of the Court, in which Presiding Judge Vásquez and Judge Espinosa concurred.

E P P I C H, Judge:

¶1 After a jury trial, Carlos Rodriguez was convicted of using a minor in a felony drug offense, importing marijuana weighing more than two pounds, transporting for sale marijuana weighing more than two pounds, possession of drug paraphernalia, and conspiracy to import, transport and possess marijuana for sale.¹ The trial court sentenced him to concurrent and consecutive, minimum and presumptive prison terms totaling nine years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), asserting she has reviewed the record but found no arguable question of law that is not frivolous. Consistent with *State v. Clark*, 196 Ariz. 530, ¶ 32 (App. 1999), she has provided “a detailed factual and procedural history of the case with citations to the record” and asks this court to search the record for fundamental error. Rodriguez has not filed a supplemental brief.

¶3 Viewed in the light most favorable to sustaining the verdicts, *State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), the evidence at trial was sufficient to support the jury’s findings of guilt. See A.R.S. §§ 13-1003; 13-3405(A)(4), (B)(11), (C), (D); 13-3409; 13-3415(A). In August 2017, border patrol agents saw two people believed to be undocumented aliens possibly carrying narcotics in two large backpacks near Bisbee Junction; the individuals were later identified as Rodriguez and the seventeen-year-old co-defendant, who was “like [Rodriguez’s] brother.” Rodriguez and the co-defendant had placed the backpacks into a car before running away. Officers later discovered two burlap backpacks weighing almost ninety-four pounds containing bundles of marijuana accounting for most of that

¹The trial court merged Rodriguez’s three conspiracy counts into one count and dismissed his conviction for possession of marijuana for sale weighing more than four pounds.

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weight; the drugs were wrapped in cellophane and packaging tape. The backpacks were found in a shed near the home of the owner of the subject car, and burlap fibers matching the backpacks were found in the trunk of the car. A detective observed “redness and . . . irritation on [Rodriguez’s and the co-defendant’s] back[s]” and bruising on the front of their shoulders, and discovered twine or rope in a bag belonging to Rodriguez that was consistent with that found on the backpacks. We also conclude the sentences imposed were within the statutory limits. See A.R.S. § 13-702(D).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. See *State v. Fuller*, 143 Ariz. 571, 575 (1985) (stating *Anders* requires court to search record for fundamental error). Accordingly, Rodriguez’s convictions and sentences are affirmed.